

1 A. I checked them. He called and said he didn't  
2 get it.

3 Q. Where were these eligibility rules?

4 A. I went to my management and said, "Hank is  
5 calling me and said that he expects to get his AMIP  
6 bonus. What are the rules? He said he worked on the  
7 Chemical account for nine months. He's entitled to nine  
8 months of his AMIP, he will get it," and he got it.

9 Q. You didn't look at the rules personally, you  
10 called your boss?

11 A. I went and saw my boss, I talked to my boss.  
12 He picked the phone up while I was in his office and  
13 talked to someone and said, "Make sure Hank gets put on  
14 the bonus plan and gets his bonus for the nine months."

15 Q. But both of you didn't look at any AMIP rules  
16 or any AMIP plan?

17 A. No.

18 Q. Do you know who Hank called?

19 A. Hank called me. I don't know who my supervisor  
20 called.

21 Q. Anyone else?

22 A. No. That's the only one that I personally know  
23 of now.

24 Q. You stated that you managed employees who had



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1 received AMIP bonuses, correct?

2 A. Correct.

3 Q. Have you ever removed anyone from AMIP  
4 eligibility?

5 A. No.

6 Q. Could an employee be eligible for an AMIP bonus  
7 at the same time as being eligible for a discretionary  
8 bonus?

9 A. No.

10 Q. You couldn't receive an AMIP bonus and a  
11 discretionary bonus?

12 A. That's correct. The rule was if the people  
13 were receiving AMIP bonus, there was another  
14 DuPont-specific bonus of about 3 percent and people who  
15 were getting the AMIP bonus were not eligible for that  
16 other bonus. The rest of the employees were eligible for  
17 the 3 percent.

18 Q. Again, these rules, how did you know about this  
19 rule?

20 A. I just knew that rule existed and we would  
21 budget for it. I never have saw the rules, but I do know  
22 that there was a guaranteed 3 percent bonus for  
23 employees. That was a guaranteed bonus. I believe that  
24 that 3 percent bonus is in the DuPont contract with CSC



1 that it had to be paid. I believe it probably still  
2 exists.

3 Q. Is it a 3 percent salary increase or 3 percent  
4 bonus?

5 A. Bonus on the salary.

6 Q. So it's not AMIP?

7 A. It is not AMIP. It's not an AMIP bonus. I  
8 don't recall what it was called.

9 MR. WILSON: You're going to have to wait  
10 until he finishes his questions. It gets hard for her to  
11 take it down if you're both talking at the same time.

12 THE WITNESS: Okay.

13 Q. Mr. Lincoln, if I could direct your attention  
14 to Exhibit 48.

15 A. Okay.

16 Q. After you received this letter, you knew you  
17 were not going to get an AMIP bonus, correct?

18 A. Correct.

19 Q. Mr. Lincoln, I want to talk about your damages  
20 in this case. What are your damages?

21 A. Monetarily?

22 Q. Yes.

23 A. Approximately \$10,000.

24 Q. That's it?



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B-0787

1 A. Yes.

2 Q. How did you estimate your damages?

3 A. I divided the number of days from April 1st --  
4 this letter states April 1st, so I used April 1st until  
5 September the 11th, the number of days, divided 365 into  
6 the 20 percent bonus, and then multiplied the number of  
7 days into an answer. You will get \$10,000. Roughly half  
8 a year's bonus.

9 You want me to repeat that?

10 Q. No. I'm just thinking about what you divided.  
11 From what I understand, you took the number of days  
12 between April 1st and I believe September 11th or 10th --

13 A. Correct.

14 Q. -- when you received your notice. You divided  
15 that number into what?

16 A. I divided the bonus, 20 percent bonus, I  
17 divided the bonus by 365, got one day's worth of bonus,  
18 multiplied that by the number of days.

19 Q. What bonus were you using?

20 A. I was using the bonus I got each year,  
21 20 percent.

22 Q. But you were assuming the maximum amount of  
23 that bonus that you received --

24 A. That's what I always got.



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1 Q. This was an estimate, correct?

2 A. That was an estimate.

3 Q. The reason you had to estimate it is because  
4 you never received an AMIP worksheet for FY '04?

5 A. Correct.

6 Q. You don't know what metrics or factors were  
7 used in FY '04 to calculate the AMIP bonus?

8 A. No.

9 Q. When I say "FY '04," fiscal year '04.  
10 There are lots of different ways you could  
11 have calculated your AMIP bonus for fiscal year '04,  
12 correct?

13 A. Correct. If I had the criteria and it were  
14 different than the criteria had been in the past, I would  
15 have been able to have a different factor. Since the  
16 bonus had always been 20 percent or close to 20 percent,  
17 there was no reason for me to use any other factors.  
18 There was no reason for me to assume anything else. If I  
19 had that information today, then I could factor it and I  
20 suspect I would come up with the same.

21 Q. Every year you received the same AMIP bonus  
22 number amount?

23 A. Yes. If memory serves me correctly, I received  
24 20 percent. I'm pretty sure it was 20 percent because --



1 one year may have been a little higher than 20 percent.  
2 May have been 22. But I'm not sure of that. But no less  
3 than 20.

4 Q. Couldn't you have just taken the average of  
5 what you received as your actual bonus, your AMIP bonus  
6 for each year and then divide into that number the amount  
7 of days that you claimed to be prorated?

8 A. Could have.

9 MR. WILSON: Object to form.

10 THE WITNESS: Come up with the same.

11 Q. A different formula. That would be a different  
12 formula --

13 A. Be a different formula.

14 Q. -- than the one you used.

15 Other than the amount of AMIP bonus that  
16 you claimed CSC wrongfully withheld, are you claiming any  
17 other damages?

18 A. Not as part of this suit, no.

19 Q. You said you received a discretionary bonus for  
20 FY '05?

21 A. Yes.

22 Q. How much was that?

23 A. Five thousand.

24 Q. Is that the max amount for your level?



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1 A. I believe the max is 10, but I'm not sure. The  
2 only reason I believe that is because it's in this  
3 letter. So I would assume it's the same. But I don't  
4 know. I don't even know what the criteria is.

5 Q. You were told that the discretionary bonus  
6 wasn't guaranteed, correct?

7 A. Well, what I was told when I signed this letter  
8 is that I would get a discretionary bonus. That didn't  
9 happen. But that's what I was told. I know what  
10 discretionary means.

11 Q. Did you speak to anyone in Human Resources, CSC  
12 Human Resources Department, about your removal from the  
13 AMIP program?

14 A. No.

15 Q. Did you speak with anyone else?

16 A. Just Tom Saienni.

17 Q. What did you tell him?

18 A. I told him I thought he was wrong, I thought  
19 this was improper. He said he had nothing to do with it,  
20 that he felt the same way, but he had nothing to do with  
21 it, he had no choice.

22 Q. Who do you contend has personal knowledge of  
23 any matter concerning or relating to your allegations or  
24 subject matter of your complaint?



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B-0791

1 A. Certainly the other plaintiffs do. I don't  
2 know who else has knowledge of this.

3 Q. Have you spoken to them about the matter?

4 A. Any of them? Just a couple of them.

5 Q. What did you guys talk about?

6 A. Just the common interest in the lawsuit. We  
7 actually spent some time talking about what we thought  
8 the damages should be. But we haven't had any in-depth  
9 conversations about it. Haven't had any in-depth  
10 conversations with anybody. I have talked to people who  
11 are not participating in it.

12 Q. Who are not participating in the lawsuit?

13 A. Correct.

14 Q. Who are they?

15 A. That's several. By name?

16 Q. Yes.

17 A. I spoke with George Altiery.

18 Q. Anyone else?

19 A. Anthony Kowal.

20 Q. Anyone else?

21 A. Not that I recall. There probably were others,  
22 but I don't recall.

23 Q. When was the last time you spoke to Terry Kowal  
24 about this issue?





1 A. It's been six months.

2 Q. What was the nature of your communications with  
3 him?

4 A. Asked him whether he wanted to participate --  
5 George wanted to participate and I believe that -- I  
6 think he and I decided that it's correct that he wasn't  
7 eligible for it because he had left Delaware prior to  
8 being removed from the bonus and he was actually in D.C.  
9 when he was removed from the AMIP program. So he  
10 wouldn't have sued -- I don't think he would have sued  
11 under the Delaware -- as part of the Delaware suit.  
12 That's why he didn't participate.

13 Kowal, I don't know why.

14 Q. Do you have any debts at the present time?

15 A. No.

16 Q. Any credit card debt?

17 A. No. House payment.

18 Q. Mortgage?

19 A. Yes.

20 Q. Other than what we have already discussed, has  
21 there been any written or oral recorded statements given  
22 by anyone in connection with this lawsuit?

23 A. Not that I know of.

24 Q. Have you now told me everything you know or



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B-0793

1 remember that forms the basis of your case?

2 MR. WILSON: Object to form.

3 A. I think so.

4 Q. Is there anyone else you have not mentioned who  
5 could support your claims?

6 A. Certainly Tom Saienni can support the claim.  
7 He was the one that gave me the letter. We mentioned  
8 him. Carlos Rodriguez, Pat Keener.

9 Q. Is there any other information which you have  
10 not mentioned which is relevant to supporting your  
11 claims?

12 MR. WILSON: Object to form.

13 A. I think we have covered everything. I think  
14 it's a pretty simple claim.

15 Q. You said, I understand, you suffered a flooding  
16 in your house?

17 A. That's correct.

18 Q. You said you gave all the documents to  
19 Mr. Wilson that you have?

20 A. All the documents that I could recover that  
21 weren't just totally -- we had a flooding and then mold  
22 crept in all these papers and I have just not -- I got  
23 rid of that. I lost some decent papers in that flood.

24 Q. When did the flooding occur?



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1 A. It happened back in the fall. We had 10 inches  
2 of rain and my sump pump quit. So I ended up with a  
3 basement full of water.

4 Q. Fall of '05?

5 A. Yes.

6 MR. RAIMO: Nothing further.

7 (Deposition Exhibit No. 49 was marked for  
8 identification.)

9 BY MR. WILSON:

10 Q. You have been handed what's been marked  
11 Exhibit 49. Could you take a moment and look at that?

12 Do you know what these are?

13 A. Yes.

14 Q. Are they pay slips?

15 A. Yes, they are.

16 Q. Are your AMIP bonuses reflected on these pay  
17 slips?

18 A. Yes, they are.

19 Q. Are they from the years 2001, 2002, and 2003?

20 A. 2001, 2002, 2003, yes.

21 Q. What was your AMIP bonus for 2001?

22 A. \$9,604.04.

23 Q. 2002?

24 A. \$20,391.



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B-0795

1 Q. And 2003?

2 A. \$20,623.

3 Q. Did these amounts reflect your recollection of  
4 the AMIP bonuses that you received?

5 A. That is correct.

6 Q. Did you have to perform certain functions or  
7 meet certain objectives to receive the AMIP bonus?

8 A. Yes.

9 MR. RAIMO: Objection.

10 Q. During what period of time did you perform  
11 these functions or meet these objectives for the bonus  
12 indicated for 2001?

13 A. 2001 was from about the middle of September  
14 until the end of March of 2002.

15 Q. Was this bonus a prorated bonus for fiscal year  
16 2001?

17 A. Let me correct that first answer. It was from  
18 September of 2000 until March of 2001.

19 Q. Was this a prorated bonus?

20 A. Yes, it was.

21 Q. For 2002, what period of time did you work to  
22 earn this bonus?

23 A. The entire fiscal year. April till the end of  
24 March.



1 MR. RAIMO: Objection.

2 Q. Would that be April of 2001 until March of  
3 2002?

4 A. That's correct.

5 Q. For the third sheet, for fiscal year 2003, what  
6 period of time?

7 A. April of --

8 MR. RAIMO: Objection.

9 THE WITNESS: -- 2002 to March of 2003.

10 Q. Did CSC gain any benefit from the work you  
11 performed --

12 MR. RAIMO: Objection.

13 BY MR. WILSON:

14 Q. -- during this time?

15 A. Yes.

16 Q. From April 1st till September 11, 2003, did you  
17 continue to perform functions for which CSC gained a  
18 benefit?

19 MR. RAIMO: Objection.

20 A. Yes.

21 Q. Did you perform the same functions as you did  
22 in the previous years?

23 A. Essentially the same functions.

24 MR. RAIMO: Objection.



1 Q. Was your AMIP bonus an earned bonus?

2 A. Yes.

3 MR. RAIMO: Objection.

4 Q. I'd like you to look at Exhibit 45, which is  
5 the AMIP worksheet for fiscal year 2002.

6 A. Okay.

7 Q. Under "Team and Individual Objectives," does it  
8 state: "Provide New Technical Statement of Direction on  
9 a monthly basis"?

10 A. Correct.

11 Q. Did you do that on a monthly basis?

12 A. Yes, we did.

13 Q. Was that throughout the year?

14 A. Yes.

15 Q. The other team and individual objectives, did  
16 you work on those on a monthly basis?

17 MR. RAIMO: Objection.

18 A. I worked on those on a daily basis.

19 Q. Throughout the fiscal year?

20 A. Yes.

21 Q. What about the financial objectives up top, did  
22 you work on those throughout the fiscal year?

23 A. Yes.

24 MR. RAIMO: Objection.



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B-0798

1 Q. Close to the top on the right-hand side there's  
2 a box that's titled, "Proration by eligible months." Is  
3 that correct?

4 A. Yes.

5 Q. If you didn't work in this group for the entire  
6 12 months, would there be a "12" in there?

7 MR. RAIMO: Objection.

8 A. No. There will be a different number.

9 Q. What would that number be?

10 A. It would be dependent upon the number of months  
11 we actually worked in the Chemical Group.

12 Q. You stated that you helped create budgets for  
13 your group. Is that correct?

14 A. That is correct.

15 Q. Did you help create the budget for fiscal year  
16 2004?

17 A. Yes.

18 Q. You also stated when you helped create the  
19 budgets, that the AMIP bonuses were in that budget. Is  
20 that correct?

21 A. That is correct.

22 Q. Were the AMIP bonuses for fiscal year 2004  
23 factored into that budget?

24 A. Yes.



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1 Q. Was there any indication at that time that  
2 people were going to be removed from the AMIP plan?

3 MR. RAIMO: Objection.

4 A. Not that particular year.

5 Q. I'd like you to look at Exhibit 47.

6 A. Okay.

7 Q. This is the offer letter for you to come to the  
8 Chemical Group?

9 A. Correct. That is correct.

10 Q. Is it correct that you did not participate in  
11 AMIP prior to this?

12 A. That is correct.

13 Q. When you came to the Chemical Group, did you  
14 begin participating in the AMIP program immediately?

15 A. Yes.

16 Q. You received an AMIP bonus for fiscal year  
17 2001?

18 A. Yes, I did.

19 Q. It was prorated, correct?

20 A. That is correct.

21 Q. Can you look at Exhibit 48?

22 A. Okay.

23 Q. Is this the letter that tells you you are no  
24 longer eligible for AMIP?



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1 A. That is correct.

2 Q. Does it say, "However, you will have the  
3 opportunity to earn a discretionary bonus of up to  
4 \$10,000"?

5 A. Yes, it does.

6 Q. Did you know what you needed to do to earn this  
7 discretionary bonus?

8 A. I think I did. The comment, "upon the  
9 achievement of specific measurable Key Result Areas," if  
10 those would be the key result areas that would be on my  
11 performance appraisal, then I would have known what they  
12 were.

13 Q. Were you told at the beginning of the fiscal  
14 year of what the key result areas would be?

15 A. Yes. I would have entered them into the  
16 performance appraisal that's referred to as GPARS and  
17 then my manager would simply go in there and read them  
18 and click I accept them and those would become the key  
19 result areas for the year. He could add them, as well.

20 MR. WILSON: That's all I have.

21 BY MR. RAIMO:

22 Q. Mr. Lincoln, I just have a few follow-up  
23 questions.

24 Exhibit 49, Mr. Lincoln, this document



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1 represents your pay stub for pay period 4/28/01 through  
2 5/11/01?

3 A. Correct.

4 Q. And there are three columns underneath  
5 "Full-time Salaried." Do you see that? Description,  
6 hours, current, and year-to-date?

7 A. Yes. Description, current, year-to-date.

8 Q. At the bottom of those three columns there's a  
9 "Total Earn"?

10 A. Okay.

11 Q. See on the bottom?

12 A. Yes, I see it.

13 Q. Earn reflects earnings; is that correct?

14 A. Correct.

15 Q. The \$13,180 is your total earnings for that pay  
16 period, correct?

17 A. Correct.

18 Q. That amount of money includes your AMIP bonus,  
19 correct?

20 A. That is correct.

21 Q. This is for not the fiscal year, however, but  
22 the calendar year.

23 A. Correct.

24 Q. And the year-to-date column represents that?



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B-0802

1 A. Correct.

2 Q. You would agree that that is the same structure  
3 for the additional two pages which we will go through.

4 A. Yes.

5 Q. That being your total earnings was \$24,872, for  
6 example, for pay period between 5/11/02 and 5/24/02?

7 A. Correct.

8 Q. For calendar year 2002.

9 A. Correct.

10 Q. And next pay period, I'm looking at the third  
11 page, 5/10/03 to 5/23, and your total earnings up till  
12 the pay period at that time was \$24,558.78. Excuse me.  
13 Your current amount for that pay period was \$24,558.78,  
14 correct?

15 A. Correct.

16 Q. That current pay period included your AMIP  
17 bonus, correct?

18 A. Correct.

19 MR. RAIMO: That's all I have.

20 (Deposition concluded at 2:52 p.m.)

21 - - - - -

22

23

24



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T E S T I M O N YDEPONENT: ASHBY A. LINCOLN, IIIPAGE

BY MR. RAIMO..... 714

BY MR. WILSON..... 777

BY MR. RAIMO..... 783

E X H I B I T SDEPOSITION EXHIBIT NO.MARKED45 - A document entitled, "Annual  
Management Incentive Program (AMIP)  
FY02"..... 71846 - A two-page letter dated September 18,  
1998, to Ashby A. Lincoln from Scott North.... 75547 - A letter dated August 29, 2000, to  
Ashby A. Lincoln from Marianne Kane..... 75648 - A letter dated September 10, 2003,  
to Ashby Lincoln from Tom Saienni..... 76449 - Three documents Bates numbered D-10985,  
D-11013, and D-11040..... 777

ERRATA SHEET/DEPONENT'S SIGNATURE PAGE 787

CERTIFICATE OF REPORTER PAGE 788

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REPLACE THIS PAGE

WITH THE ERRATA SHEET

AFTER IT HAS BEEN

COMPLETED AND SIGNED

BY THE DEPONENT



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B-0805

CERTIFICATE OF REPORTER

STATE OF DELAWARE)

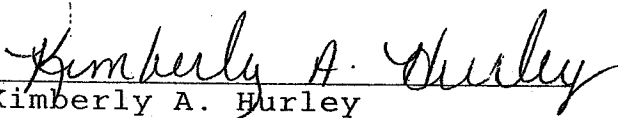
)

NEW CASTLE COUNTY)

I, Kimberly A. Hurley, Registered Professional Reporter and Notary Public, do hereby certify that there came before me on the 17th day of February, 2006, the deponent herein, ASHBY A. LINCOLN, III, who was duly sworn by me and thereafter examined by counsel for the respective parties; that the questions asked of said deponent and the answers given were taken down by me in Stenotype notes and thereafter transcribed by use of computer-aided transcription and computer printer under my direction.

I further certify that the foregoing is a true and correct transcript of the testimony given at said examination of said witness.

I further certify that I am not counsel, attorney, or relative of either party, or otherwise interested in the event of this suit.

  
Kimberly A. Hurley

Certification No. 126-RPR  
(Expires January 31, 2008)

DATED: 3/15/06

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B-0806

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

BRIAN MILLER, HECTOR CALDERON, )  
CHARLES FOLWELL, DAWN M. )  
HAUCK, KEVIN KEIR, ASHBY )  
LINCOLN, KAREN MASINO, ROBERT )  
W. PETERSON, SUSAN M. POKOISKI, )  
DAN P. ROLLINS, and WILLIAM )  
SPERATI, )

Plaintiffs, )

v. )

C.A. No. 05-10-JJF )

COMPUTER SCIENCES CORPORATION, )

Defendant. )

Deposition of HECTOR L. CALDERON taken pursuant to notice at the law offices of Potter Anderson & Corroon, Hercules Plaza, 6th Floor, Wilmington, Delaware, beginning at 9:40 a.m., on Thursday, March 2, 2006, before Kimberly A. Hurley, Registered Merit Reporter and Notary Public.

APPEARANCES:

TIMOTHY J. WILSON, ESQUIRE  
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**B-0808**



1 HECTOR L. CALDERON,  
2 the witness herein, having first been  
3 duly sworn on oath, was examined and  
4 testified as follows:

5 BY MR. SEEGULL:

6 Q. Mr. Calderon, my name is Larry Seegull. As you  
7 know, I'm an attorney representing Computer Sciences  
8 Corporation, and for purposes of this deposition, I'm  
9 going to refer to Computer Sciences Corporation as CSC.  
10 Is that okay?

11 A. Yes.

12 Q. Have you ever been deposed before?

13 A. No.

14 Q. Let me go over some brief introductions and  
15 instructions to the deposition process.

16 I will be asking you questions to find out  
17 what it is you know about this lawsuit, and obviously all  
18 of your answers have to be verbal because the court  
19 reporter can't take down head nods or other body  
20 language.

21 You have to answer the questions truthfully  
22 and completely just as if you were testifying in court.

23 If you do not hear a question or do not  
24 understand a question, say so and I will repeat it.



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B-0809

1 If you realize at any point in time that an  
2 earlier answer you gave was incomplete or inaccurate in  
3 any way, just say so and you will be allowed to correct  
4 or supplement the record.

5 Of course, if you need to stop to use the  
6 restroom, that's fine, or to take a break to get a drink  
7 or to take a smoke break, whatever, fine.

8 You cannot talk to your attorney during the  
9 deposition unless it relates to a question of privilege,  
10 and I'll try to avoid questions relating to your  
11 communications with your attorneys which are privileged.

12 If you answer the question, then I will  
13 assume that you have heard it and understood it and have  
14 given me your best recollection.

15 Do you understand the instructions that I  
16 have just given you?

17 A. Yes.

18 Q. Are you taking any medication today that could  
19 impair your ability to understand or answer these  
20 questions?

21 A. No.

22 Q. You told me you haven't been deposed before.  
23 What did you do to prepare for this deposition?

24 A. I met with my attorney yesterday, I looked at



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B-0810

1 the complaint this morning, and I looked at the amount  
2 that I'm claiming last night. That's all.

3 Q. How much are you claiming in this lawsuit?

4 A. Ten thousand.

5 Q. Is that \$10,000 even?

6 A. Ten thousand even, yes.

7 Q. Can you tell me briefly how you go about  
8 calculating the \$10,000?

9 A. I looked at the four -- the last four payments  
10 of the AMIP bonus that I had. I did not have any records  
11 of previous. So I did have four. So I took that and I  
12 looked at the percentage that was given to me through the  
13 four years, and it was between 21 and 23. So I took the  
14 lesser number, 21, and 21 percent of the amount that I  
15 made, my annual income in 2003, which was \$98,000.  
16 That percent came out to be \$20,000. I split it in two  
17 because I was claiming six months. So that's \$10,000.

18 Q. So if I understand you correctly, what you are  
19 claiming is that you were entitled to be paid an AMIP  
20 bonus for the period of April 1 of 2003 through  
21 September 11th of 2003?

22 A. Correct, yes.

23 Q. And the reason you are only claiming up until  
24 that period is because you were notified on



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1 September 11th, 2003 --

2 A. Yes.

3 Q. -- that you were no longer eligible for an AMIP  
4 bonus.

5 A. Yes.

6 Q. So as of September 11th of 2003, you knew you  
7 would not get an AMIP bonus payment at all, correct?

8 A. After that point, after they told me.

9 Q. At the point that they told you?

10 A. Yes.

11 Q. You knew that you would not be eligible or  
12 receive any AMIP bonus.

13 A. Going forward.

14 Q. Going forward.

15 A. Correct.

16 Q. You also knew that they were not going to be  
17 giving you an AMIP bonus for the period of time going  
18 backwards.

19 A. No, I didn't know that. No.

20 Q. The letter told you that it was effective as of  
21 April 1.

22 A. The way I understood the letter was that I  
23 would not be eligible for future payments. That's the  
24 way I understood it.



1 Q. At some point you learned that's not what the  
2 letter meant. You have not received --

3 A. I did not get the checks, so yes.

4 Q. At what point did you realize that what the  
5 letter meant was you were not going to get any AMIP bonus  
6 even for a period of time going backwards?

7 A. Shortly after. After discussions and asking  
8 questions what's going to happen. That's how I learned.

9 Q. So maybe sometime within a couple of weeks  
10 after September 11th, 2003, you understood you wouldn't  
11 even get an AMIP bonus payment for any period of time for  
12 fiscal year 2004.

13 A. Right. Correct.

14 Q. By the way, just so we get this out of the way  
15 early, when I refer to a fiscal year, you would agree  
16 that the fiscal year runs from April 1 through the  
17 following March 31?

18 A. Correct.

19 Q. So as an example, fiscal year 2004 would be  
20 April 1, 2003, through March 31, 2004.

21 A. Yes. Correct.

22 Q. You understood that, at least by the end of  
23 September, maybe not the first day that you received the  
24 letter, but by the end of September, you understood by



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1 the end of September 2004 that you would not receive any  
2 AMIP bonus for any of fiscal year 2004.

3 A. Yes.

4 Q. What you are calculating now is \$10,000, and  
5 you're saying that's based upon taking 21 percent times  
6 your fiscal year 2004 salary and then dividing it by two?

7 A. Yes.

8 Q. So essentially your fiscal year 2004 salary was  
9 about \$100,000?

10 A. \$98,000.

11 Q. So really it should be a little bit less than  
12 \$10,000, right?

13 A. Yeah, a little bit less.

14 Q. Do you know how much less?

15 A. No, I don't.

16 Q. But to be precise, the way you would calculate  
17 your damages if you were doing it down to the penny, it  
18 would be to take your annual salary in your mind of  
19 \$98,000, multiply that by 21 percent, and then divide  
20 that by two.

21 A. Yes.

22 Q. I haven't done the numbers, so I don't know  
23 what that equals. You don't know what that equals,  
24 either?



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1 A. I don't know because I had it in my computer  
2 and then I left the computer at work and then I had it  
3 somewhere else and I was copying it. I didn't copy the  
4 precise numbers. I just put approximating. In my one  
5 paper here I put approximate \$10,000.

6 Q. You said you met with your attorney yesterday.

7 A. Correct.

8 Q. How long did you meet with him?

9 A. About an hour.

10 Q. Did you meet with him this morning, as well?

11 A. No. I got there early because I knew -- I just  
12 sat there.

13 Q. You said you reviewed the complaint?

14 A. Correct.

15 Q. Did you review anything else?

16 A. I looked at very briefly the interrogatories  
17 that were sent by you, but it didn't mean anything to me.  
18 I put it back in the envelope and closed it. So I did  
19 not review anything else.

20 Q. Other than your attorney, have you spoken to  
21 anybody about your case?

22 A. My wife knows about it. At work Kevin Keir, we  
23 have spoken briefly twice because he has -- the one time  
24 that we had a conference call with our attorney, he was



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1 not present, so he asked me how that went and I told him  
2 what we talked about.

3 A second time he asked me -- trying to  
4 recall because I don't recall the conversation precisely,  
5 but he had not heard anything, whether I had heard  
6 something and I said no. That was it.

7 And I have also discussed it with  
8 Dan Rollins, personal friend of mine and he happens to be  
9 in the case, also. So from time to time we had discussed  
10 whether we know anything and that's about it.

11 Q. Other than the discussions you have had with  
12 other plaintiffs about wondering what the status is and  
13 have you heard anything, that kind of a conversation,  
14 have you discussed the substance at all?

15 A. With Dan Rollins I have discussed the merit of  
16 our case, yes.

17 Q. Tell me about those discussions.

18 A. Very briefly whether -- we have said to each  
19 other that we strongly believe that fair -- that what we  
20 are asking is fair. I think that's been the extent of  
21 it.

22 Q. Have you discussed what you would testify about  
23 today?

24 A. No.



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1 Q. Have you discussed what he should testify to?

2 A. No.

3 Q. Your claim is a claim, as I understand it, for  
4 wages under the Delaware Wage Payment Act?

5 A. I don't know. I'm not sure about the act or  
6 the law behind it. I have left everything to our  
7 attorney, and I do not have any information of specific  
8 laws or acts that are involved.

9 Q. Can you spell your name for the record?

10 A. My last name?

11 Q. Both names.

12 A. H-e-c-t-o-r. Calderon, C-a-l-d-e-r-o-n.

13 Q. Have you ever been known by any other name?

14 A. No.

15 Q. What's your Social Security number,  
16 Mr. Calderon?

17 A. 581-53-8395.

18 Q. What is the date of your birth?

19 A. January 14th, 1963.

20 Q. Where were you born?

21 A. San Juan, Puerto Rico.

22 Q. Where do you live?

23 A. Bear, Delaware.

24 Q. What's your address?



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B-0817

1 A. 7 Iona Court, Bear, Delaware, 19701.

2 Q. How long have you lived there?

3 A. Nine years.

4 Q. What is your home telephone number?

5 A. 302-836-1483.

6 Q. You said you're married?

7 A. Yes.

8 Q. How long have you been married?

9 A. Ten years.

10 Q. Do you have any children?

11 A. Three stepchildren. I don't have any children  
12 of my own.

13 Q. Those are children that came to the marriage  
14 from your wife?

15 A. Yes.

16 Q. Have you had any other marriages?

17 A. No.

18 Q. Have you ever been arrested?

19 A. No.

20 Q. Have you ever been convicted of any crime?

21 A. No.

22 Q. Have you ever been in the military?

23 A. No.

24 Q. When did you first contact an attorney to



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1 handle your case against CSC?

2 A. I did not contact the attorney personally. I  
3 received a letter and after I received that letter,  
4 that's when I just waited for things to come to me. I  
5 did not contact -- personally I did not go and -- well,  
6 no. I should correct this because after I got the  
7 letter, I did call Tim Wilson's office and I asked what  
8 is this about and I understood that we had some rights  
9 that I did not know. So that's when I contacted my  
10 attorney.

11 Q. So was it shortly after you received the  
12 letter?

13 A. Yes, very shortly. Couple days.

14 Q. We previously had a document marked as  
15 Deposition Exhibit 4. I just want to show it to you. Is  
16 this the letter that you received?

17 A. Yes, correct.

18 Q. Shortly after receiving that letter you  
19 contacted Mr. Wilson's office?

20 A. Correct.

21 Q. Do you know who sent this letter?

22 A. No idea. I lost the letter, so I don't -- I  
23 was looking for that, by the way.

24 Q. That's okay. We have a copy of it.



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B-0819

1                   What is the agreement you have with your  
2 lawyer regarding the payment of fees?

3           A.       The agreement is that we will only pay for  
4 materials should we lose the case, and should we win the  
5 case, I don't remember the percent that he's getting. If  
6 it's 30 percent, I'm not sure. That's all that I know.

7           Q.       So your attorney will take a percentage of  
8 anything you recover?

9           A.       Yes, exactly.

10          Q.       You think that percentage is 30 percent?

11          A.       Correct.

12          Q.       If you do not recover anything in this case,  
13 whether through settlement or through a victory, then you  
14 only have to pay the costs of the case?

15          A.       Costs of the materials he has used, letters,  
16 stamps, and other materials that he has used to  
17 communicate with us.

18          Q.       How about the cost of the transcript of this  
19 deposition, the cost of the court reporter, who is to pay  
20 that?

21          A.       Don't know.

22          Q.       Has there been any discussion about that  
23 amongst the plaintiffs?

24          A.       Amongst us? No. I have not discussed it. I



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1 have no idea, really.

2 Q. Have any lawsuits ever been filed against you?

3 A. No.

4 Q. Have you ever filed any lawsuits against anyone  
5 else?

6 A. I was involved in a class-action suit against  
7 CSC that was settled recently.

8 Q. How much did you make off of that case?

9 A. About \$1,300, if I remember correctly.  
10 Thirteen, fifteen hundred. Something like that.

11 Q. Any other lawsuits you have been involved in in  
12 any way?

13 A. No.

14 Q. Have you ever declared bankruptcy?

15 A. No.

16 Q. Have you ever made a claim for unemployment  
17 benefits?

18 A. No.

19 Q. Have you ever made a claim for workers'  
20 compensation benefits?

21 A. No.

22 Q. Tell me about your educational history.

23 A. I went to Clark University in Worcester,  
24 Massachusetts, Bachelor's in art with a major in computer



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1 science. And that's the extent. I got a Bachelor's and  
2 that's it.

3 Q. It was a Bachelor's in what, computer science?

4 A. B.A. which is a liberal arts school and I  
5 majored in computer science.

6 Q. By the way, when did you come to this country?

7 A. To permanently live? Because Puerto Rico is  
8 a -- for all intents and purposes, it's like Washington,  
9 D.C. So it's a commonwealth of the U.S.

10 Q. Sure.

11 A. I came to the U.S. to live in 1996.

12 Q. Any other education or training that we haven't  
13 spoken about?

14 A. No.

15 Q. Have you ever received any professional or  
16 work-related certifications?

17 A. All related to my SAP professional career. I  
18 have received several certificates for courses that I  
19 have taken.

20 Q. What kind of courses are they? Are they  
21 courses that CSC offers?

22 A. Yes. Some. And others that SAP -- the company  
23 SAP offers and has been paid by CSC.

24 Q. Are you certified in something?



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1           A.     No, I'm not certified in -- I am one of the few  
2 people in the company that know many modules of the  
3 integrated system and so I do not look for -- to certify  
4 myself because I don't believe in that.

5           Q.     What do you mean?

6           A.     It's just that to me certification doesn't mean  
7 anything. A lot of people that do what I do get  
8 certifications because they think that that's going to  
9 give them a better career, better incentive, so on and so  
10 forth, and I don't think that's the right way to approach  
11 my career. So I don't look for certifications, but like  
12 I said, I'm one of the few that know many modules.

13          Q.     You know a lot about SAP, but you're not  
14 certified in any way?

15          A.     Correct.

16          Q.     So these other certification programs that you  
17 have taken, what were they if they weren't  
18 certifications?

19          A.     They're SAP courses which doesn't -- again,  
20 doesn't certify anything. You go to take the course and  
21 you learn some functionalities and they give you a  
22 certificate that tells you that you were there for a week  
23 and you took the course.

24          Q.     How many of those courses have you taken?



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1 A. About five.

2 Q. This is over what period of time?

3 A. Thirteen years.

4 Q. Have you ever received any awards or honors?

5 A. No. Well, award -- I'm sorry. No honors and  
6 awards. By the DuPont Company while in my travels in  
7 South America.

8 Q. You received from the DuPont Company an award?

9 A. Awards, recognition awards, for my work.

10 Q. Was it more than one?

11 A. Several, yes.

12 Q. What was it for exactly?

13 A. For work that I did in bringing up  
14 manufacturing plants up-to-date with what the U.S. was  
15 doing. I was the one that went to South America and did  
16 the -- that transformation or conversion to the systems  
17 that the U.S. were implementing.

18 Q. Were there cash components to these awards?

19 A. No.

20 Q. What were they, just recognitions?

21 A. Pieces of paper that to me were important at  
22 the time. Plaques. That was about it.

23 Q. Why don't we go through your employment  
24 history. After you graduated -- which is in what year?



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B-0824



1 A. In 1985.

2 Q. After you graduated, where did you go to work?

3 A. I went back to Puerto Rico where I lived and I  
4 worked for the government of Puerto Rico for one year,  
5 Social Services Department, as a computer programmer.

6 Exactly after a year working there the  
7 DuPont Company hired me as a systems analyst and I spent  
8 nine years working for DuPont in Puerto Rico until they  
9 relocated me to Wilmington.

10 Q. So that was for what period of time that you  
11 would have worked for them?

12 A. So from 1986 to 1995, December 1995.

13 Q. What did you do for DuPont during that period  
14 of time?

15 A. I was first a systems analyst and then I was  
16 supervisor and I was then a consultant. That's how I got  
17 into SAP. And I traveled for a year and a half between  
18 the U.S. and Puerto Rico and Mexico, South America. I  
19 was basically traveling around the world, actually, and  
20 when they figured that it -- I asked for it. They would  
21 relocate me.

22 Q. To Wilmington?

23 A. Yes.

24 Q. During the time that you were at DuPont, did



1 you ever get any kind of bonus?

2 A. In DuPont, the way it works is that, when you  
3 reach a certain level, they recognize you with a variable  
4 compensation bonus. It's not only a bonus, several  
5 components to variable comp. So when I reached level 5  
6 in DuPont, they gave me -- not 5, I'm sorry. It was  
7 level 4. They told me I was going to get variable  
8 compensation and I started the program.

9 Q. Did you get that every year at that point?

10 A. Yes. In DuPont, unless you do something really  
11 bad, you were in that program and you always earn it.

12 Q. What year did you start to earn variable  
13 compensation?

14 A. It was in my last year in Puerto Rico. So it  
15 must have been -- I can't recall real well, but it must  
16 have been the beginning of 1995, the end of 1994.

17 Q. Would that have just been one year, because you  
18 stopped working for DuPont at the end of '95.

19 A. Well, no. DuPont Puerto Rico was a subsidiary.  
20 So I transferred to U.S. For all intents and purposes,  
21 it was still DuPont, but it was E.I. du Pont. It was a  
22 different company in legal terms. But my variable comp.  
23 transferred just like my seniority did.

24 Q. So after December of '95 you continued to work



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B-0826

1 for DuPont?

2 A. Correct.

3 Q. In Wilmington?

4 A. Correct.

5 Q. Prior to that you had just been traveling  
6 around?

7 A. Yes.

8 Q. And then starting what, January of 1996 --

9 A. Yes.

10 Q. -- you worked for DuPont in Wilmington?

11 A. Yes.

12 Q. You continued to receive the annual variable  
13 compensation bonus?

14 A. Yes.

15 Q. You stayed with DuPont until when?

16 A. I stayed with DuPont until the outsourcing deal  
17 happened, which was the summer of 1997.

18 Q. You would have received variable compensation  
19 for the calendar year 1995 and the calendar year 1996 and  
20 that's it, correct?

21 A. Correct. I'm sorry. In 1997, before the  
22 outsourcing deal happened, I did receive something,  
23 because DuPont variable compensation and bonuses happened  
24 between March -- I don't know now, but it used to be



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B-0827

1 between March and May. So I did receive variable comp.  
2 that year.

3 Q. You received the first variable compensation  
4 let's say in that March-to-May time frame in 1995 you  
5 think?

6 A. I'm sorry. Ask again.

7 Q. The first time you received variable  
8 compensation from DuPont, that would have been between  
9 March and May of '95, approximately?

10 A. It's either '95 or '94. I think it was more  
11 1994, at the end of 1994, but I can't recall.

12 Q. If you received it at the end of 1994, what  
13 period of time --

14 A. I'm saying -- it's either April 1994 or  
15 April 1995.

16 Q. You're not sure?

17 A. Yeah, I'm not sure.

18 Q. If you received it April '94, it would have  
19 been for the calendar year '93?

20 A. Yes.

21 Q. DuPont had a calendar year as their fiscal  
22 year?

23 A. I don't remember.

24 Q. But if you received it --



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1 A. I don't remember.

2 Q. If you received it in April of '94, that would  
3 have been for the calendar year of '93?

4 A. Yeah.

5 Q. If you received it in '95, that would have been  
6 for the calendar year '94?

7 A. Correct, yes.

8 Q. So you think you may have received it in '95,  
9 '96, and '97 for the prior calendar years?

10 A. Yes.

11 Q. You may also have received it in '94?

12 A. Yes.

13 Q. So at least three times, maybe four times.

14 A. Yes.

15 Q. Did you ever see any documents or programs  
16 related to the variable compensation?

17 A. I vaguely recall seeing something, but I don't  
18 have it with me. I don't recall ever having it with me.  
19 I just recall when I was told, I recall seeing something  
20 from -- actually from Merrill Lynch because Merrill Lynch  
21 was the guardian. So they sent something to me.

22 Q. Merrill Lynch was what?

23 A. Merrill Lynch was the -- I don't know the name  
24 for that. The custodian, I guess.



1 Q. They were the administrator?

2 A. Yeah, the administrator of the variable comp.  
3 plan, because DuPont, most of the variable comp. went in  
4 stocks, so they gave you the stocks and put it in what  
5 they call a blueprint account. So Merrill Lynch managed  
6 that. So I remember receiving documentation from Merrill  
7 Lynch saying you have a variable comp. program and this  
8 is how much you're getting and the way they were managing  
9 it, managing the stocks and what my rights were, and  
10 that's all I remember seeing.

11 Q. Tell me about how you transitioned over to CSC.  
12 Tell me about that.

13 A. I learned through people talking about the deal  
14 that some of us were going to go to Accenture and some of  
15 us were going to go to Computer Sciences Corporation.  
16 Because I knew many people in IT for so many years, I  
17 think I could have asked to go to either. But I was  
18 offered to go to CSC. I was told hey, you're going to  
19 CSC. And that's when I received the letter that I have  
20 with me and you also have.

21 Q. Yes.

22 A. It was a great deal for me because I was --  
23 right away I was going to make more money.

24 Q. Because it was a higher salary?



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1 A. Yes. Yes, exactly.

2 Q. The letter, of course, references the AMIP  
3 plan?

4 A. Correct.

5 Q. Other than the letter, were you provided any  
6 other documents about the AMIP plan during the  
7 transition?

8 A. No. I never saw any.

9 Q. Other than the letter you received which we  
10 will show you -- let me do that now.

11 (Deposition Exhibit No. 50 was marked for  
12 identification.)

13 BY MR. SEEGULL:

14 Q. Mr. Calderon, what we're now showing you as  
15 Exhibit 50, do you recognize this?

16 A. Yes.

17 Q. What is this?

18 A. This is the letter offering employment with CSC  
19 and telling me the benefits -- not all the benefits, but  
20 the information regarding AMIP, which was the most  
21 important thing here to me, and other benefits, 401(k)  
22 and compensation. So this was not all of the benefits  
23 that I was getting, but these were very important to me  
24 at the time.



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B-0831

1 Q. So Exhibit 50 was the letter we were talking  
2 about?

3 A. Correct, yes.

4 Q. Other than this letter, have you ever received  
5 any other documents or information about AMIP?

6 A. No.

7 Q. Did you have any orientation programs or  
8 discussions about AMIP during the transition?

9 A. Not during the transition, no.

10 Q. Or after you were now CSC employees?

11 A. After we were employees, we discussed it many  
12 times with my manager and my staff manager. Staff  
13 manager is the term CSC uses for middle person between  
14 the manager, director, and me. And we discussed that  
15 many times, yes. My manager was in it. I was in it. We  
16 discussed it many times, yes.

17 Q. Tell me about those discussions.

18 A. Those discussions were always what we're  
19 supposed to get, what percent we were supposed to get,  
20 and how we came into -- how we came into the equation,  
21 what we needed to do to -- what we needed to do to earn  
22 that, and in my case, those discussions were very  
23 important because we always discussed it once for sure,  
24 maybe twice, and it was always discussed during my





1 discussion of contribution. And for the past four --  
2 three or four years before it was taken away, my manager  
3 always told me that -- the increases were very low and I  
4 was saying well, why am I getting a rating of 2 and 1,  
5 which means you're exceeding expectations, and I'm  
6 getting a 1, 2 percent, and the answer was well, we're  
7 not doing very well as a company, but you're getting this  
8 big bonus, so big bonus, you're compensated for that. I  
9 always -- I think that's fair, I'm getting a big bonus, I  
10 don't care about the increase.

11 So when they took it away, my thought was  
12 okay, what happens with the increases that you never gave  
13 me for three or four years, giving me 1 or 2 percent?  
14 That's why the discussions were important every year and  
15 a couple times -- once and, many times, twice every year.

16 Q. When would those discussions take place, at the  
17 end of the year when the new salaries were being  
18 considered?

19 A. The one time for sure. Another time during  
20 midyear my staff manager and I would discuss it in terms  
21 of how are we doing to meet the goals.

22 Q. Who are the managers that you discussed this  
23 with?

24 A. Mary Lloyd, and she retired and still working



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1 for DuPont as a consultant now, and Alan Kronmiller was  
2 the one that always gave me -- had the final discussion  
3 with me. He was the one who would tell me exactly what  
4 the percent of the increase was or the bonus was. Again,  
5 the discussion happened at the same time the bonus would  
6 come.

7 Q. The bonus would come a few months later?

8 A. Correct, yes.

9 Q. Just so I understand what you're talking about,  
10 you're saying that performance evaluations are done when,  
11 in the April and May time frame?

12 A. Correct, yes.

13 Q. Then shortly after that you get the bonus.

14 A. It always came -- the increase would come in  
15 May and the bonus would come in June.

16 Q. Just as an example, let's say in fiscal year  
17 2002 -- let me back up for a moment.

18 Let's say in April of 2002, you would have  
19 a performance review discussion about your performance  
20 for that April 1, 2001, through March 31, 2002, time  
21 period?

22 A. Yes.

23 Q. And during that performance discussion about  
24 your prior year's performance, you would get information



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1 about what your next year's salary would be?

2 A. Yes.

3 Q. And you would get information about what your  
4 AMIP bonus was going to be for the prior year.

5 A. Yes. Sometimes it happened at that time. But  
6 at times the information came later, so we would have  
7 another meeting. It wasn't always that way. It would  
8 depend on when the company knew what the percentage would  
9 be for the AMIP bonus.

10 Q. I want to make sure what we're talking about is  
11 a discussion about the prior year's fiscal bonus?

12 A. Yes. It was always for the prior fiscal year.

13 Q. That you were discussing?

14 A. Yes.

15 Q. Because you were saying if I did so well this  
16 prior year in terms of salary increase, I should have  
17 gotten more, and they're saying well, we're giving you a  
18 large bonus --

19 A. Exactly.

20 Q. -- in lieu of that salary increase for the  
21 prior year.

22 A. Yes.

23 Q. Did that happen every year or only some years?

24 A. Every year. That happened every year.



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B-0835

1 Q. In addition, some years other conversations  
2 took place is what you're saying?

3 A. Yes.

4 Q. And the other conversations you say that took  
5 place, they took place during the middle part of the  
6 year?

7 A. Yes.

8 Q. And would those conversations be more along the  
9 lines of how the AMIP gets calculated?

10 A. Never. I never -- my manager would never know  
11 how the AMIP would get calculated. The director of my  
12 group would never know how that got calculated until we  
13 got word of what the percent was and then I would be  
14 shown a paper that would say in the categories that  
15 everyone worked towards and then the percent that we  
16 met -- the percent of each category.

17 Q. Let's go back. The conversations you had were  
18 not about how the AMIP got calculated. These other  
19 conversations that would occur during the middle part of  
20 the year would be, again, you're working hard, you will  
21 get an AMIP bonus.

22 A. But it wasn't -- we did not discuss how it  
23 would be in terms of how much we would get. That  
24 calculation never took place. But we did discuss the



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1 categories that we would need to meet to get an AMIP  
2 bonus. That took place.

3 Q. That's the conversations you're talking about?

4 A. Yes. Those would be in the middle of the year.

5 Q. So the conversations that took place at the end  
6 of the year were conversations that would take place  
7 about why the bonus was going to be paid for the prior  
8 year because you weren't getting a larger salary  
9 increase. But the conversations that took place during  
10 the middle part of the year were more about the  
11 categories of how the bonus was calculated, if not the  
12 exact formula.

13 A. Yes.

14 Q. Tell me about the conversations during the  
15 middle part of the year. Was this every year that you  
16 would have these conversations or only certain years?

17 A. It wasn't always the same because management in  
18 my group changed during that period. At least 2002, 2004  
19 changed every year. So one manager would come and things  
20 will change. Every year was different.

21 Q. The formula?

22 A. Not the formula, but the discussions, and when  
23 we would discuss things and what would be going -- what  
24 we would discuss, that would be totally different every



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1 year.

2 Q. Do you remember the details of any of those  
3 conversations?

4 A. No, I don't remember the details, actually.

5 Q. But, generally speaking, sometimes those  
6 conversations would occur in September, sometimes they  
7 would be October, sometimes November, sometimes December?

8 A. Correct, yes.

9 Q. Those conversations would be your manager with  
10 you?

11 A. Yes.

12 Q. One-on-one conversations?

13 A. Yes.

14 Q. Just like the conversations at the end of the  
15 year were one-on-one?

16 A. Yes.

17 Q. And the manager that you would be discussing  
18 this with was Aaron Kronmiller?

19 A. No. The manager that I would be discussing  
20 that in the middle of the year or, like you said,  
21 October, November, December, it would be Mary Lloyd, who  
22 was the staff manager. Again, staff manager was only a  
23 person that would -- it was a middle person between the  
24 higher manager and you to facilitate the administration



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1 details -- and that was it. Nothing else. You would not  
2 know my performance.

3 Q. She was not your manager?

4 A. No.

5 Q. So she was like an administrative person?

6 A. It was called my manager, though. I would  
7 report through her.

8 Q. You did?

9 A. Yes.

10 Q. During these conversations with Mary, she would  
11 tell you, well, the categories are changing this year, or  
12 you didn't discuss categories?

13 A. We did, and the categories were always the  
14 same. The categories -- and I was looking at that last  
15 night because I do have at least two -- it was the same  
16 paper every year, same categories, customer satisfaction,  
17 business ethics. There were two of them, but there were  
18 five or six. So the categories would always be the same.  
19 Now, how much weight they would give to each one, that  
20 would change every year.

21 Q. But some years different corporate financial  
22 objectives were measured, correct?

23 A. Correct. And that was one category, financial  
24 objective. That was one category.



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B-0839

1 Q. The category, that's what you mean by category.

2 A. In the discussion we would say, hey, we don't  
3 have any control over that, just keep doing what you're  
4 doing, we don't have nothing to do with that. If the  
5 company as a whole met, then we get 100 percent. If the  
6 company did not meet that, then we get 85 percent of the  
7 total, you know, weight of that category.

8 Q. Within the category of financial performance,  
9 there might be different factors that were used. Some  
10 years return on investment was used?

11 A. I have no idea what went into that formula.

12 Q. So you don't know the details of how the  
13 formula was calculated at all for any of the years?

14 A. No idea.

15 Q. Do you know that the factors changed year to  
16 year?

17 A. Yes.

18 Q. But you just don't know what the factors were?

19 A. Correct.

20 Q. That's on the category of financial  
21 performance. There were other categories of individual  
22 performance, I gather?

23 A. Yes. And those would be --

24 Q. Or group performance?



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B-0840



1 A. Both.

2 Q. And within those categories, did you know the  
3 details or you didn't know the details of those  
4 categories, either?

5 A. Those categories, yes. Those are very  
6 important because those were supposed to go -- supposed  
7 to affect my increases. So those were very important to  
8 me. However, the way CSC filled those categories, they  
9 sent a memo. I have the memo from this week. It says  
10 these are your objectives for last year, copy and paste,  
11 and hurry up. I just got one yesterday for this past  
12 year.

13 Q. In other words, the individual performance  
14 objectives or the group performance objectives were just  
15 sort of the normal group performance --

16 A. Yes.

17 Q. -- that was unique to AMIP about those  
18 objectives?

19 A. Correct. They were separate. They were  
20 separate. AMIP was one thing and increase was another.

21 Q. Let me see if I understand, though. Give me  
22 some examples of what the performance objectives were.

23 A. My performance objectives would be --

24 Q. Customer satisfaction?



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1 A. Yes. Really stupid. I'm sorry. Tell you one  
2 example. It would be put your time on time -- put your  
3 time on time every week.

4 Q. Time entry?

5 A. Yes. Okay. Go to meetings. Okay. Like 10 or  
6 12 like that. I did that.

7 Q. So those were the normal performance objectives  
8 that you would have to meet just as part of doing your  
9 job?

10 A. Yes.

11 Q. And those were the same objectives that were  
12 used for the individual performance goals within AMIP?

13 A. No. AMIP were totally different.

14 Q. I'm not talking about the financial objectives.  
15 I'm talking about the individual performance objectives.

16 A. They were different.

17 Q. Tell me what were the ones for AMIP.

18 A. The ones I just described were related to my  
19 performance for my increases. That's one thing. Totally  
20 different subject, AMIP.

21 AMIP, we would get a table, looked like a  
22 table, and they would have categories, more specific  
23 categories, that we as a company would need to meet.  
24 Nothing that I had to do specifically.



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B-0842

1 Q. You're talking about the return on investment?

2 A. Yes, but there were also customer satisfaction,  
3 a category for customer satisfaction and another category  
4 for business ethics, and I can't remember the other  
5 categories, but there were specific categories that had  
6 nothing to do with the other.

7 Q. Did you get that in writing?

8 A. Sure.

9 Q. You would get that at the end of the year or  
10 the middle part of the year?

11 A. Both.

12 Q. Your manager Mary would give you a written  
13 document sometime in this October-to-December time frame  
14 with written AMIP objectives.

15 A. Yes.

16 Q. And that was every year you would get that?

17 A. Every year.

18 Q. Those were specific objectives to AMIP you're  
19 saying?

20 A. Yes.

21 Q. Apart and on top of your normal objectives?

22 A. Yes.

23 Q. And that would be for the fiscal year that you  
24 were already in and you would have to work towards those



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1 in order to be eligible for the AMIP?

2 A. Correct, yes.

3 Q. I think it's clear, but I want to make sure.

4 The actual payment of the AMIP bonus would occur in what,  
5 the June time frame?

6 A. Yes.

7 Q. And that would be the June following the close  
8 of the fiscal year?

9 A. Yes -- no. It would be the same time period,  
10 April through March. It was just that I would get it  
11 late. We would get it a couple months late.

12 Q. A couple months after the close of the fiscal  
13 year?

14 A. Yes.

15 Q. Just as an example, you might receive a payment  
16 in June 2003 or May 2003 and that payment would be for  
17 the AMIP bonus for the prior fiscal year?

18 A. Yes.

19 Q. If you receive a payment in May of 2003, that's  
20 for the AMIP period of April 1, 2002, through March 31,  
21 2003?

22 A. Yes.

23 Q. That would be because the company would need  
24 time to calculate whether or not it had achieved and



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